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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,947	07/23/2002	Colin Robert Gedge	06007/38331	6952

7590 02/27/2004

Marshall Gerstein & Borun  
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Chicago, IL 60606-6357

EXAMINER

LAZO, THOMAS E

ART UNIT PAPER NUMBER

3745

DATE MAILED: 02/27/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/089,947

Applicant(s)

GEDGE ET AL.

Examiner

Thomas E. Lazo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-15 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5, 7, 8, 11-15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9 is/are rejected.
- 7) ☒ Claim(s) 21-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Response to Amendment***

Applicant's amendment filed 2/9/04 is acknowledged.

The applicant has overcome the rejection to claim 11 under 35 USC 102(b) by amending the claim. The rejection of claim 11 under 35 USC 102(b) is withdrawn.

The applicant has overcome the objections to claims 3, 6, and 14 by appropriately correcting the claims. The objections to claims 3, 6, and 14 for informalities are withdrawn.

***Response to Arguments***

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Objections***

Claims 21 and 22 are objected to because of the following informalities:

In claim 21, line 1, "claim 17" should be --claim 18--, since claim 17 was canceled by applicant's amendment filed 2/9/04.

In claim 22, line 1, "claim 17" should be --claim 18--, since claim 17 was canceled by applicant's amendment filed 2/9/04.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stucky (4,723,476). Stucky discloses in figures 1-3 a hydraulic system with an actuator 20 which is extendible and retractable to operate a landing gear W, a movable member in a casing, a selector valve 16 selectively to supply pressurized fluid to a first or second side 19,21 of the movable member, a first fluid supply line to the first side 19 of the movable member for supplied fluid from the selector valve 16 when the selector valve 16 is in a first position, a second supply line to the second side 21 of the movable member for supplied fluid from the selector valve 16 when the selector valve 16 is in a second position, wherein the movable member is moved relative to the casing in a first direction to extend the actuator 20 when fluid under pressure is supplied to the first side 19 of the movable member while fluid is exhausted from the second side 21 of the movable member, and the movable member is moved in a second direction to retract the actuator 20 when fluid under pressure is supplied to the second side 21 of the movable member while fluid is exhausted from the first side 19 of the movable member, a check valve 46 is provided to permit exhausted fluid from the second side 21 of the movable member to augment the supplied fluid from the selector valve 16 and thus be directed with the supplied fluid to the first side 19 of the movable member, a restrictor 30,44 is disposed in flow communication with each of the first and second sides 19,21 of the movable member, the check valve 46 is opened as the movable

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member of the actuator 20 moves relatively in the casing in the first direction to extend the actuator 20 and lower the landing gear W, the check valve 46 opens to permit exhausted fluid from the second side 21 of the movable member to augment the supplied fluid in response to the pressure of the fluid supplied to the first side 19 of the member, a closure device 60 is provided positively to close the check valve 46 when pressurized fluid is supplied by the selector valve 16 to the second side 21 of the movable member, the check valve 46 permits exhausted fluid to flow from the second supply line to the first supply line.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stucky in view of Rocher (FR-2734608-A1). Stucky discloses all of the claimed subject matter further including the selector valve 16 being movable to a first position to permit the flow of fluid therethrough from a source of pressurized fluid 12 to the first side 19 of the movable member and to a second position to permit the flow of fluid therethrough from the source of pressurized fluid 12 to the second side 21 of the movable member, and to a rest position in which the source 12 is isolated. Stucky does not disclose that when the selector valve is in the rest position, fluid may pass from the system to the tank.

Rocher teaches in figures 1-3 for a hydraulic system with an actuator 3 which is extendible and retractable, a movable member in a casing, a selector valve 2 selectively to supply pressurized fluid to a first or second side A,B of the movable member wherein the selector valve 2 is movable to a first position to permit the flow of fluid therethrough from a source of pressurized fluid 1 to the first side A of the movable member, to a second position to permit the flow of fluid therethrough from the source of pressurized fluid 1 to the second side B of the movable member, and to a rest position in which the source 1 is isolated, and that in the rest position, fluid may pass from the system to the tank for the purposes of draining residual pressure in the system.

Since Stucky and Rocher are both hydraulic systems with selector valves, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the selector valve of Stucky, based on the teachings of Rocher, such that in the rest position, fluid may pass from the system to the tank for the purposes of draining residual pressure in the system.

***Allowable Subject Matter***

Claims 5, 7, 8, 11-20 are allowed. The improvement comprises a relief device to relieve exhausted fluid which is not recirculated from the first or second side of the movable member as the movable member reaches the end of travel in the casing, a non-return valve in the second supply line to restrict the flow of exhausted fluid from the hydraulic system, and a single spring biasing a valve member and a piston .

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Claims 23 and 24 are objected to as being dependent from objected claim 22, but would be allowable if claim 22 is rewritten to overcome the objection stated above.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

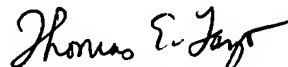
### ***Contact Information***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (703) 308-2285. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (703) 308-1044. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to status of this application or proceeding should be direct to the Group receptionist whose telephone number is (703) 308-0861.

  
Thomas E. Lazo  
Patent Examiner  
Art Unit 3745

TEL  
February 25, 2004